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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA  
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6 YIORKIS PINEDA-LAURENCIO,

7 Petitioner,

8 v.

9 WILLIAM GITTERE, *et al.*,

10 Respondents.  
11

Case No. 2:19-cv-00477-GMN-GWF

ORDER

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13 This action is a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254,  
14 by Yiorkis Pineda-Laurencio, a Nevada prisoner. Pineda-Laurencio initiated this action  
15 on March 20, 2019, by filing a *pro se* habeas petition (ECF No. 2).

16 Pineda-Laurencio also filed an application to proceed *in forma pauperis*  
17 (ECF No. 1). Based on the information provided in the application to proceed *in forma*  
18 *pauperis*, and good cause appearing, that application will be granted. Pineda-Laurencio  
19 will not be required to pay the filing fee for this action.

20 Pineda-Laurencio also filed a motion for appointment of counsel (ECF No. 3).  
21 The information provided in the application to proceed *in forma pauperis* indicates that  
22 Pineda-Laurencio cannot afford counsel. Indigent state prisoners applying for habeas  
23 corpus relief are not entitled to appointed counsel unless the circumstances of a  
24 particular case indicate that appointed counsel is necessary to prevent due process  
25 violations. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Krelling v. Field*,  
26 431 F.2d 638, 640 (9th Cir. 1970) (per curiam). The court may, however, appoint  
27 counsel at any stage of the proceedings if the interests of justice so require. See 18  
28 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases; *Chaney*, 801 F.2d

1 at 1196. Pineda-Laurencio alleges that he is intellectually disabled, that he does not  
2 speak English, and that he is serving two sentences of life in prison without the  
3 possibility of parole. Under these circumstances, the Court finds that appointment of  
4 counsel is in the interests of justice. The Court will grant the motion for appointment of  
5 counsel.

6 The Court has reviewed Pineda-Laurencio's petition, pursuant to Rule 4 of the  
7 Rules Governing Section 2254 Cases in the United States District Courts and  
8 determines that it merits service upon the respondents. The Court will order the petition  
9 served upon the respondents, and will direct the respondents to appear, but will not  
10 require any further action on the part of the respondents at this time.

11 **IT IS THEREFORE ORDERED** that Petitioner's Application to Proceed *in Forma*  
12 *Pauperis* (ECF No. 1) is **GRANTED**. Petitioner is granted leave to proceed *in forma*  
13 *pauperis*. Petitioner will not be required to pay the filing fee for this action.

14 **IT IS FURTHER ORDERED** that Petitioner's Motion for Appointment of Counsel  
15 (ECF No. 3) is **GRANTED**. The Federal Public Defender for the District of Nevada  
16 (FPD) is appointed to represent the petitioner. If the FPD is unable to represent the  
17 petitioner, due to a conflict of interest or other reason, then alternate counsel will be  
18 appointed. In either case, counsel will represent the petitioner in all federal-court  
19 proceedings relating to this matter, unless allowed to withdraw.

20 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to  
21 electronically serve upon the FPD a copy of this order, together with a copy of the  
22 petition for writ of habeas corpus (ECF No. 2).

23 **IT IS FURTHER ORDERED** that the FPD shall, within 30 days from the date of  
24 entry of this order, file a notice of appearance, or indicate to the Court that office's  
25 inability to represent the petitioner in this case.


26 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to add Aaron  
27 D. Ford, Attorney General of the State of Nevada, as counsel for the respondents.  
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**IT IS FURTHER ORDERED** that the Clerk of the Court shall electronically serve upon the respondents a copy of the petition for writ of habeas corpus (ECF No. 2), and a copy of this order.

**IT IS FURTHER ORDERED** that the respondents shall appear in this action within 30 days from the date of this order. Respondents will not be required to respond to the habeas petition at this time.

**IT IS FURTHER ORDERED** that the Court will set a schedule for further proceedings in this case after counsel appear for both the petitioner and the respondents.

DATED THIS 25 day of April, 2019.

  
GLORIA M. NAVARRO,  
UNITED STATES DISTRICT JUDGE